

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Cause No. 2:04 CR 80 RL
)
CHARLES TANNER,) Honorable
) Rudy Lozano,
 Defendants.) Presiding District Court Judge

DEFENDANT CHARLES TANNER'S
PROPOSED JURY INSTRUCTIONS

NOW COMES defendant Charles Tanner, by and through his attorney, Santo J. Volpe, and respectfully submits the attached proposed jury instructions. Uncited copies of "given" instructions will be tendered to the Court at trial.

Respectfully submitted,

/s/ Santo J. Volpe
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defendant Charles Tanner

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The government must prove beyond a reasonable doubt that the defendant was not entrapped. Thus, the government must prove

beyond a reasonable doubt either (1) that, before contact with law enforcement, the defendant was ready and willing or had a predisposition or prior intent to commit the offense, or (2) that the defendant was not induced or persuaded to commit the offense by law enforcement officers or their agents.

Defendant Tanner' instruction number 07

Entrapment Elements 6:04 of the
Seventh Circuit

In determining whether the defendant was entrapped, you may consider:

(1) The background [or character or reputation] of the defendant [including] [prior criminal history] [or economic

status];

(2) Whether it was law enforcement officers or their agents that first suggested the criminal activity;

(3) Whether the defendant performed criminal activity for profit;

(4) Whether the defendant showed reluctance to perform criminal activity;

(5) Whether law enforcement officers or their agents repeatedly induced or persuaded the defendant to perform criminal activity;

(6) Whether law enforcement officers or their agents offered an ordinary opportunity to commit a crime; and

(7) Whether law enforcement officers or their agents offered exceptional [profits or] persuasion or merely solicited commission of the crime.

While no single factor necessarily indicated by itself that a defendant was or was not entrapped, the central question is whether the defendant showed reluctance to engage in criminal activity that was overcome by inducement or persuasion.

Defendant Tanner' instruction number 8

Entrapment Factors 6.05 of the
Seventh Circuit (committee, 1999)